

AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 20, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-20793 - APPLICANT/OWNER: SLV INVESTMENTS LLC

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Rezoning (ZON-5203), if approved.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-20792) approved by the City Council.
3. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is an appeal filed by the applicant from the approval by the Planning Commission of a request for a Variance to allow the development of an R-PD (Residential Planned Development) zoning district on 2.94 acres, where 5.00 acres are the minimum required, adjacent to the west side of Decatur Boulevard, approximately 100 feet south of Gilmore Avenue. The applicant is requesting the Variance so that this infill development may proceed under the Residential Planned Development mechanism as laid out in Title 19.06.050.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
11/17/04	The City Council approved a Rezoning (ZON-5203) from R-E (Residence Estates) to R-PD2 (Residential Planned Development - 2 Units per Acre); a Variance (VAR-5202) to allow a 2.94 acre development where a 5 acre development is required for a residential planned development; and a Site Development Plan Review (SDR-5204) for a proposed 7 lot single family residential development. The Planning Commission and staff recommended approval on 10/21/04.
01/27/05	The Planning Commission approved a Tentative Map (TMP-5777) for a proposed 7-lot single family residential subdivision on 2.94 acres adjacent to the west side of Decatur Boulevard, approximately 200 feet south of Gilmore Avenue. Staff recommended approval of the request.
12/20/06	The City Council approved an Extension of Time (EOT-17977) for Rezoning (ZON-5203)
05/10/07	The Planning Commission recommended approval of companion item SDR-20792 concurrently with this application. The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #45/mh).
<i>Related Building Permits/Business Licenses</i>	
01/06/06	A Final Map (FMP-11147) was submitted for technical review. No map was recorded.
<i>Pre-Application Meeting</i>	
3/13/07	A pre-application meeting was held between staff and the applicant's representative to revisit the recently expired Site Development Plan Review and Variance for a seven-lot residential subdivision. No changes from the previous approvals were made other than a minor adjustment to lots 6 and 7 to accommodate a utility easement.

<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	
<i>Field Check</i>	
4/5/07	Description.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	2.94 acres

ANALYSIS

- **General Plan/Land Use**

The site is designated DR (Desert Rural Density Residential) on the Centennial Hills Interlocal Land Use Plan Map of the Centennial Hills Sector Plan of the General Plan. The proposed R-PD2 (Residential Planned Development – 2 Units Per Acre) zoning designation is in conformance with the General Plan designation of DR (Desert Rural Density Residential).

- **Title 19.06.040 R-PD Residential Planned Development District**

Per Title 19.06.040 (A), the *Intent of R-PD District and Minimum Site Area*, the requested Variance is necessary as the minimum site area eligible for rezoning to the R-PD zoning district is five acres.

- **Rural Preservation Overlay District (RPOD)**

The proposed 7-lot Residential development has maximum density of 2.38 dwelling units per acre. Although the property is located within 330 feet of an existing street that is more than 99 feet wide and could potentially request a Rezoning to higher density, the applicant has submitted a proposal that is within the character of the Rural Preservation Overlay District. The proposed RPD-2 development is in compliance with the L (Low) density General Plan Land Use category and is in spirit with the intent of the Rural Preservation Overlay District.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

The subject site is a narrow lot with residential subdivisions to north and south. The applicant is planning a development similar in size and density to what exists around it. Because of the narrowness of the lot, the site would be a difficult one to develop as a multi lot subdivision. Because of the narrowness of the lot the site would not be developable with the standard setbacks of rural lots. With the R-PD (Residential Planned Development) proposal the applicant has been able to come up with an efficient design. Because of the inherent constraints of this site’s dimensions, staff recommends approval of this variance request.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

2

ASSEMBLY DISTRICT 1

SENATE DISTRICT 4

NOTICES MAILED 370 by City Clerk

APPROVALS 0

PROTESTS 0